

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 636 – SB 1253**

March 13, 2017

**SUMMARY OF ORIGINAL BILL:** Makes various changes to the procedure for expunging juvenile records.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (004975):** Corrects a typographical error.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Tennessee Code Annotated § 37-1-153 sets forth the procedure for expunging juvenile records. The proposed legislation clarifies that a juvenile record includes all documents, reports, and information received, kept, or maintained by a juvenile court relating to a delinquency or unruly case with the exception of assessment reports.
- The proposed legislation changes the expungement practice in juvenile courts from petition practice to a motion practice.
- The proposed legislation authorizes expungement of a juvenile record after one year and upon motion by the juvenile for any case in which the juvenile successfully completes pretrial or judicial diversion.
- Requires the Administrative Office of the Courts (AOC) to develop a model expunction motion and circulate the motion to all juvenile court clerks.
- Tennessee Code Annotated § 40-32-101 sets forth the procedure for expunging a person's criminal record relative to certain misdemeanor and felony offenses.
- The proposed legislation clarifies that "court" for purposes of Tenn. Code Ann. § 40-32-101 includes a juvenile court exercising jurisdiction over an adult who is charged with an offense that was committed when the person was 18 years of age or older.
- The AOC and the Department of Children's Services report that the proposed changes to expungement procedures in juvenile courts will not significantly impact their operations.

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- The AOC reports that it can develop and circulate the model motion form within its existing resources.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm